

Message Text

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43

ACTION ARA-10

INFO OCT-01 ISO-00 L-03 OES-06 JUSE-00 SAB-01 DLOS-04

SAL-01 CIAE-00 INR-07 NSAE-00 H-02 SS-15 COME-00

INRE-00 SSO-00 DODE-00 PM-04 /054 W

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FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 7528

INFO PANCANAL

USCINCSO

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E.O. 11652: N/

TAGS: EFIS, PFOR, PN, PQ

SUBJECT: PANAMANIAN REQUEST FOR SEIZURE OF US FLAG VESSEL

REF: PANAMA 2906

1. FURTHER TO REFTEL, PARA 2, PANCANAL ADVISES THAT UNDER APPLICABLE PROCEDURES FOR DELIVERY TO PANAMA OF OFFENDERS WHO SEEK REFUGE IN CANAL ZONE (CANAL ZONE SECTIONS 5081-5092 AND EXTRADITION AGREEMENT OF 1906), CANAL ZONE AUTHORITIES ARE POWERLESS TO DELIVER CAPTAIN OF THE "VOYAGER" UNLESS OR UNTIL CAPTAIN IS "CONDEMNED, PROSECUTED OR ACCUSED BEFORE THE COURTS OF THE REPUBLIC OF PANAMA", I.E., UNTIL GOP DELIVERS TO PANCANAL FORMAL REQUEST FOR EXTRADITION, WHICH MUST INCLUDE COPY OF INDICTMENT OR WARRANT ISSUED BY PROPER PANAMANIAN COURT.

2. FOREIGN MINISTRY ADVISES US THAT GOP IS CONSIDERING HOW TO PROCEED ON THIS CASE IN COURT, BUT THAT NO INDICTMENT, WARRANT OR OTHER FORMAL COMPLAINT HAS YET BEEN ISSUED AGAINST EITHER VESSEL OR ITS CAPTAIN, MATTER IS SOMEWHAT COMPLICATED BY FACT THAT GOP IS NOT OFFICIALLY AWARE OF CAPTAIN'S NAME AND MAY HAVE TO USE EQUIVALENT

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FO "JOHN DOE" PROCEEDING AGAINST VESSEL'S CAPTAIN.

3. IF VESSEL IS STILL IN CANAL ZONE WATERS ONCE
PANCANAL RECEIVES REQUEST FOR EXTRADITION OF CAPTAIN,
PANCANAL COULD THEN DETAIN CAPTAIN FOR DELIVERY TO
PANAMA AUTHORITIES, WHICH WOULD BE AT DISCRETION OF
GOVERNOR IF CAPTAIN IS A US CITIZEN (CZC SECTION
5082).

4. PANCANL GENERAL COUNSEL OPINION IS THAT UNDER
APPLICABLE SECTIONS OF CANAL ZONE CODE AND 1906
EXTRADITION AGREEMENT, NO BASIS EXISTS HEREBY
CANAL ZONE AUTHORITIES COULD DETAIN, SEIZE OR DE-
LIVER VESSEL, EVEN IF ITS CAPTAIN WERE ELIVERED TO
PANAMA.
JORDEN

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Message Attributes

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Disposition Authority: blochd0
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